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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/020,535	10/29/2001	David Parker	005220.P003	9180
7590	06/17/2004		EXAMINER	DAMIANO, ANNE L
Daniel E. Ovanezian BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP Seventh Floor 12400 Wilshire Boulevard Los Angeles, CA 90025-1026			ART UNIT	PAPER NUMBER
			2114	
			DATE MAILED: 06/17/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.	PARKER, DAVID
Examiner Anne L Damiano	Art Unit 2114

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 28 October 2001.  
2a) This action is FINAL.                    2b) This action is non-final.  
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-31 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) Claim(s) \_\_\_\_\_ is/are allowed.  
6) Claim(s) 1-11,13 and 15-31 is/are rejected.  
7) Claim(s) 12 and 14 is/are objected to.  
8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.  
10) The drawing(s) filed on 13 February 2002 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All    b) Some \* c) None of:  
1. Certified copies of the priority documents have been received.  
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) Notice of References Cited (PTO-892)  
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) Notice of Informal Patent Application (PTO-152)  
6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### *Drawings*

1. Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### *Allowable Subject Matter*

2. Claims 12 and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 2, 4-9, 11, 13, 15-22, 24, 25 and 27-31 are rejected under 35 U.S.C. 102(b) as being anticipated by Wookey (6,023,507).

As in claim 1, Wookey discloses a method comprising:

Connecting at least one remote monitoring digital processing system (remote monitoring computer system-mostly referred to as the service center) to at least one monitored digital processing system (monitored system) (figure 1); and

Executing at least one diagnostic program on the remote monitoring digital processing system to generate diagnostic information relating to the monitored digital processing system (column 10: line 61-column 11: line 7 and column 13: lines 13-19). (The service center is capable of executing commands in the remote machine (column 10: lines 61-65). Also, when the system is in monitor mode, a monitor scan is performed on the remote monitor to determine which monitored systems exist (column 13: lines 13-18). Both are executing a diagnostic program on the remote monitoring machine to generate diagnostic information relating to the monitored digital system.)

As in claim 2, Wookey discloses the method of claim 1, wherein connecting comprises establishing a secure connection between the remote digital processing system and the monitored digital processing system (column 4: lines 46-52 and figure 3).

As in claim 4, Wookey discloses the method of claim 2, wherein executing comprises constructing at least one string containing at least one command to be run on the monitored digital processing system (column 10: line 61-column 11: line 7). (The remote commands must be constructed.)

As in claim 5, Wookey discloses the method of claim 4, wherein constructing comprises constructing within a remote probe (communication software) residing on the remote monitoring digital processing system at least one string containing at least one command to be run on the monitored digital processing system (column 10: line 61-column 11: line 7). (The communication software, residing on the remote monitoring system, contains software that allows the remote monitoring system to investigate the status of the monitored system. The software program is therefore interpreted as a probe.)

As in claim 6, Wookey discloses the method of claim 5, wherein executing further comprises sending the string from the remote monitoring digital processing system to the monitored digital processing system (column 8: lines 31-41, column 11: lines 3-7 and lines 13-17). (The service center transfers the remote commands to the incoming directory of the monitored digital processing system.)

As in claim 7, Wookey discloses the method of claim 6, wherein sending comprises sending the string from the remote probe to the monitored digital processing system through the secure connection (column 4: lines 46-53, column 8: lines 31-41, column 11: lines 3-7 and lines 13-17).

As in claim 8, Wookey discloses the method of claim 6, wherein executing further comprises running the command on the monitored digital processing (column 8: lines 37-41).

As in claim 9, Wookey discloses the method of claim 8, wherein running the command comprises running the command within a daemon residing on the monitored digital processing system (column 5: lines 62-66).

As in claim 11, Wookey the method of claim 5, further comprising collecting within the remote monitoring digital processing system the diagnostic information relating to the monitored digital processing system (column 4: lines 9-11 and column 6: lines 62-67).

As in claim 13, Wookey the method of claim 11, further comprising interpreting within the remote monitoring digital processing system the diagnostic information (column 4; lines 36-38).

As in claim 15, Wookey discloses an apparatus, comprising:

Means for connecting at least one remote monitoring digital processing system (remote monitoring computer system-mostly referred to as the service center) to at least one monitored digital processing system (monitored system) (figure 1); and

Means for executing at least one diagnostic program on the remote monitoring digital processing system and the monitored digital processing system (column 10: line 61-column 11: line 7 and column 13: lines 13-19). (The service center is capable of executing commands in the remote machine (column 10: lines 61-65). Also, when the system is in monitor mode, a monitor scan is performed on the remote monitor to determine which monitored systems exist (column

13: lines 13-18). Both are executing a diagnostic program on the remote monitoring machine to generate diagnostic information relating to the monitored digital system.)

As in claim 16, Wookey discloses the apparatus of claim 15, further comprising means for establishing a secure connection between the remote monitoring digital processing system and the monitored digital processing system (column 4: lines 46-52 and figure 3).

As in claim 17, Wookey discloses the apparatus of claim 15, further comprising means for collecting within the remote monitoring digital system the diagnostic information relating to the monitored digital processing system (column 4: lines 9-11 and column 6: lines 62-67).

As in claim 18, Wookey discloses the apparatus of claim 17, further comprising means for interpreting within the remote monitoring digital processing system the diagnostic information (column 4: lines 36-38).

As in claim 19, Wookey discloses an apparatus, comprising:

A remote monitoring digital processing system (remote monitoring computer system-mostly referred to as the service center) (figure 1);

A remote probe (communications software) residing on the remote monitoring digital processing system (column 10: line 61-column 11: line 7). (The communication software, residing on the remote monitoring system, contains software that allows the remote monitoring

system to investigate the status of the monitored system. The software program is therefore interpreted as a probe.); and

A monitored digital processing system (monitored system) coupled with the remote monitoring digital processing system (figure 1).

As in claim 20, Wookey discloses the apparatus of claim 19, further comprising a scheduler residing on the remote digital processing system (column 4: lines 9-12).

As in claim 21, Wookey discloses the apparatus of claim 20, wherein the remote probe is coupled with the scheduler (column 5: lines 50-59) (Both the probe and scheduler are maintained in the service center.)

As in claim 22, Wookey discloses the apparatus claim 21, further comprising a daemon residing on the monitored digital processing system (column 5: lines 62-66).

As in claim 24, Wookey discloses the apparatus of claim 19, further comprising a UNIX operating system running on the remote monitoring digital processing system (column 6: lines 23-32).

As in claim 25, Wookey discloses the apparatus of claim 19, wherein the monitored digital processing system is coupled with the remote monitoring digital processing system through a secure connection (column 4: lines 46-52 and figure 3).

As in claim 27, Wookey discloses the apparatus of claim 25, further comprising at least one string to be sent from the remote probe to the monitored digital processing system through the secure connection, the string containing at least one command to be run on the monitored digital processing system to generate diagnostic information relating to the monitored digital processing system (column 4: lines 46-53, column 8: lines 31-41, column 11: lines 3-7 and lines 13-17).

As in claim 28, Wookey discloses a machine readable medium having stored thereon instructions, which when executed by a processor, cause the processor to perform the following:

Connecting at least one remote monitoring digital processing system (remote monitoring computer system-mostly referred to as the service center) to at least one monitoring digital processing system (monitored system); and

Executing at least one diagnostic program on the remote monitoring digital processing system to generate diagnostic information relating to the monitored digital processing system (column 10: line 61-column 11: line 7 and column 13: lines 13-19). (The service center is capable of executing commands in the remote machine (column 10: lines 61-65). Also, when the system is in monitor mode, a monitor scan is performed on the remote monitor to determine which monitored systems exist (column 13: lines 13-18). Both are executing a diagnostic program on the remote monitoring machine to generate diagnostic information relating to the monitored digital system.)

As in claim 29, Wookey discloses the machine readable medium of claim 28, wherein the processor further performs collecting within the remote monitoring digital processing system the diagnostic information relating to the monitored digital processing system (column 4: lines 9-11 and column 6: lines 62-67).

As in claim 30, Wookey discloses the machine readable medium of claim 29, wherein the processor further performs interpreting within the remote monitoring digital processing system the diagnostic information relating to the monitored digital processing system (column 4: lines 36-38).

As in claim 31, Wookey discloses the machine readable medium of claim 28, wherein the instruction stored thereon are configured to run on a UNIX operating system (column 6: lines 23-32).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wookey as applied to claim 2 above.

Regarding claim 3, Wookey discloses a method of establishing a secure connection between a remote monitoring digital processing system and a monitored digital processing system above. Wookey also discloses the system including a secure login between the remote monitoring system and the monitored processing system using encryption (column 9: lines 32-65 and figure 7). However, Wookey does not specifically disclose establishing the connection using Secure Shell.

It would have been obvious to a person skilled in the art at the time the invention was made to establish the connection using a Secure Shell in the system taught by Wookey. It would have been obvious because the connection establishment of Wookey's system is carried out in the same manner as SSH using encryption. A person skilled in the art would have understood that Wookey meant for the connection to be established using SSH, even though it is not specifically disclosed.

7. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wookey as applied to claim 9 above.

Regarding claim 10, Wookey discloses a method of running a command within a daemon residing on a digital processing system above. Wookey also discloses the system including a secure login between the remote monitoring system and the monitored processing system using

encryption (column 9: lines 32-65 and figure 7). However, Wookey does not specifically disclose the daemon being a Secure Shell daemon.

It would have been obvious to a person skilled in the art at the time the invention was made to have a Secure Shell daemon in the system taught by Wookey. It would have been obvious because the connection establishment of Wookey's system is carried out in the same manner as SSH using encryption. A person skilled in the art would have understood that Wookey meant for the daemon to be a SSH daemon, even though it is not specifically disclosed.

8. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wookey as applied to claim 22 above.

Regarding claim 23, Wookey discloses a method of running a command within a daemon residing on a digital processing system above. Wookey also discloses the system including a secure login between the remote monitoring system and the monitored processing system using encryption (column 9: lines 32-65 and figure 7). However, Wookey does not specifically disclose the daemon being a Secure Shell daemon.

It would have been obvious to a person skilled in the art at the time the invention was made to have a Secure Shell daemon in the system taught by Wookey. It would have been obvious because the connection establishment of Wookey's system is carried out in the same manner as SSH using encryption. A person skilled in the art would have understood that Wookey meant for the daemon to be a SSH daemon, even though it is not specifically disclosed.

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9. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wookey as applied to claim 25 above.

Regarding claim 26, Wookey discloses a method of establishing a secure connection between a remote monitoring digital processing system and a monitored digital processing system above. Wookey also discloses the system including a secure login between the remote monitoring system and the monitored processing system using encryption (column 9: lines 32-65 and figure 7). However, Wookey does not specifically disclose establishing the connection using Secure Shell.

It would have been obvious to a person skilled in the art at the time the invention was made to establish the connection using a Secure Shell in the system taught by Wookey. It would have been obvious because the connection establishment of Wookey's system is carried out in the same manner as SSH using encryption. A person skilled in the art would have understood that Wookey meant for the connection to be established using SSH, even though it is not specifically disclosed.

### *Conclusion*

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

See PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anne L Damiano whose telephone number is (703) 305-8010. The examiner can normally be reached on M-F 9-6:30 first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel can be reached on (703) 305-9713. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ALD



SCOTT BADERMAN  
PRIMARY EXAMINER